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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,944	12/19/2001	Kenneth W. Aull	15-0255	2608
26294	7590	03/08/2006		
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,944	Applicant(s) AULL ET AL.	
	Examiner Venkatanarayanan Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13, 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Applicant's arguments regarding Claims 9,18 are not persuasive. As Misra(U.S. Patent 5,757,920) discloses the encrypting all certificates/keys which have not been downloaded to a token see Col 5 Ln 65- Col 6 Ln 5 & Col 6 Ln 63-67. And further Misra discloses asymmetric encryption(public and private keys) see Col 5 Ln 21-30.
2. The Applicant's arguments regarding Claim 23, 26, are not persuasive as Misra discloses the activating(unlocking) the certificates from the token(diskette) using an password see Col 6 Ln 63-67.
3. The Applicant's arguments regarding Claim 13 and 25 are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the implementation in a smart card.

Claim Rejections - 35 USC § 102

4. Claim 9-13,18-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,757,920 to Misra et al.(hereinafter Misra).
5. Regarding Claim 9,18 Misra discloses the method of updating token by accessing a database(see Col 7 Ln 59-65) by user identification(see Fig. 4A, item 144) and token identification(see Fig. 4A item 140); determining which has not been downloaded since update time and encrypting the certificates/keys that needs to be downloaded see Col 8 Ln 15-21 & Col 5 Ln 47-55(timestamped certificates are used to determine the update time);downloading the certificates see Col 6 Ln 63-67 and activating the certificates/keys see Col 8 Ln 29-33 & Ln 48-53.
6. Regarding Claim 10,19, Misra discloses the accessing the database by token identification to which certificates/keys have expired and deleting the certificates see Col 10 Ln 1-13 & Col 8 Ln 53-65.
7. Regarding Claim 11, 20, Misra discloses the transmitting of messages when no new certificates/keys are found see Col 9 Ln 30-43.
8. Regarding Claim 12, 21, Misra discloses the certificates/key including signature certificate/key and encryption certificate/key see Col 5 Ln 21-34 & 47-55, role

certificates see Abstract(discloses the rights/privileges of user) & Fig. 2A & Col 6 Ln 22-30.

9. Regarding Claim 23, 26, Misra discloses the entry of a passphrase see Fig. 4A item 142.

10. Regarding Claim 24, 28, Misra discloses the revoking each certificates associated with the selected token identification see Col 10 Ln 2-13.

Claim Rejections - 35 USC § 103

11. Claim 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,757,920 to Misra et al.(hereinafter Misra) in view of U.S. Patent 6,192,131 B1 to Geer, Jr et al.(hereinafter Geer).

12. Regarding Claim 13, 22, Misra does not discloses the token being a smart card. However, Geer discloses the token being a smart card see Col 2 Ln 40-50. It would be obvious to one having ordinary skill in the art at the time of the invention to include smart card in the invention of Misra in order to be responsive to changes as taught in Geer see Col 2 Ln 40-46 & Col 5 Ln 19-22.

13. Regarding Claim 25, 27, Misra discloses the storing of token identification in a database see Col 7 Ln 59-65, but does not disclose the token identification

assigned by the manufacturer. However, Geer discloses the token identification assigned by the manufacturer see Col 2 Ln 40-50. It would be obvious to one having ordinary skill in the art at the time of the invention to include a token identification assigned by the manufacturer in the invention of Misra in order to have an trusted entity creating the identification as taught in Geer see Col 2 Ln 46-50.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the


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examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

✓p
3/3/2006


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